

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	NO. 3:CR-18-379
	:	
v.	:	(JUDGE MANNION)
	:	
VINCENT JOHN INGINO, Defendant	:	Electronically Filed
	:	

**GOVERNMENT'S MOTION IN LIMINE REGARDING  
INTENT TO USE 404(b) TYPE EVIDENCE**

COMES NOW, David J. Freed, United States Attorney, and Michelle Olshefski, Assistant United States Attorney, and files the within motion in limine regarding its intent to use various statements and communications of the defendant at trial. The below statements, crimes, wrongs and other misconduct are admissible independent of Federal Rules of Evidence, Rule 404(b), as being intrinsic to the matter at bar, and inextricably intertwined with the offenses charged. The acts, therefore, are excluded from the scope of Rule 404(b).<sup>1</sup> However, out of an abundance of caution, the Government files this motion and provides notice of intent to use the below proffered evidence:

1. At trial, the United States will seek to introduce, during its case-in-chief, evidence of the prior heroin buyer/seller relationships between the defendant and the victims, Patrick Pasquariello and Ryan Donahue.

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<sup>1</sup> Fed.R.Evid. 404(b) does not apply “to evidence of acts which are ‘intrinsic’ to the offense charged.” Fed.R.Evid. 404(b) advisory committee’s note to 1991 amendments.

2. Text messages between Patrick and the defendant indicate that the defendant sold illicit drugs to Patrick in the evening of August 10, 2018. The defendant admitted the same to law enforcement in a recorded interview. Additional text messages extracted from Patrick's cell phone evidence that a buyer/seller drug relationship existed between the defendant and Patrick for at least two months prior to the deadly distribution. The defendant admitted to a much lengthier buyer/seller relationship with the Patrick in his recorded interview. The retrieved text messages begin in or around July 2018 and end at the time of Patrick's death, approximately one month later.

3. The Government will admit the audio recording of the defendant with law enforcement wherein the defendant admitted and described his prior drug buyer/seller relationships with both Patrick and Ryan. The defendant also admitted that his prior buyer/seller relationships with both victims ultimately facilitated the commission of the charged crimes.

4. The defendant also admitted that he was the source of heroin for his girlfriend and Government witness, Lindsay Hartman. Lindsay Hartman admitted to the same in a recorded interview with law enforcement. During a recorded conversation between Lindsay Hartman and the defendant on August 28, 2018, the defendant told Lindsay Hartman that she needed to come home so he could use her car to drive to Jersey. The defendant admitted that he had a "kid" waiting for him.

Lindsay Hartman was found in possession of heroin at the time of her interview with law enforcement on August 28, 2018. She admitted that the defendant provided her with heroin prior to and subsequent to the deaths of Patrick and Ryan.

WHEREFORE, the Government submits this Motion in Limine and Notice to the Court and defendant pursuant to Rule 404(b) of the Federal Rules of Evidence.

Respectfully submitted,

DAVID J. FREED  
United States Attorney

By: /s/ Michelle L. Olshefski  
MICHELLE L. OLSHEFSKI  
Assistant U.S. Attorney

Dated: January 9, 2020

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**CERTIFICATE OF CONCURRENCE**

I, Michelle L. Olshefski, hereby certify that on January 9, 2020 I twice emailed defendant's counsel, Shelley Centini, Esquire, to obtain concurrence or non-concurrence but have not received a definite response.

/s/ Michelle L. Olshefski

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MICHELLE L. OLSHEFSKI  
Assistant United States Attorney

Date: January 9, 2020

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 9th day of January, 2020, I caused the foregoing “**Government’s Motion in Limine Regarding Intent to Use 404(b) Type Evidence**” to be served upon Shelley Centini, Esquire, counsel of record for the defendant, and that Attorney Centini is a filing user under the ECF system.

/s/ Michelle L. Olshefski  
Michelle L. Olshefski  
Assistant U.S. Attorney